

REMARKS/ARGUMENTS

Claims 1-43 are pending in this application. Claims 21 and 32 are currently amended. In view of the following amendments and remarks, Applicants respectfully request reconsideration of the application.

I. Corrections to Drawings

The Examiner has objected to the drawings because they do not contain reference numbers 45 and 56. Paragraph [0038] has been amended to correct a typographical error. The reference numeral "45" should be reference numeral "46." Figure 3 has been corrected to add reference numeral 56 to the figure.

The Examiner has also objected to the drawings because of improper labeling of Figure 12. Figure 12 has been corrected in the following manner: number 16 has become 36, number 20 has become 38, number 36 has become number 16, and number 38 has become 20.

No new matter has been added by these amendments. In view of these amendments, Applicants respectfully request that the objection to the drawings be withdrawn.

II. Amendments to the Specification

Paragraph [0038] has been amended to correct a typographical error. The reference numeral "45" should be reference numeral "46." This amendment along with the amendments to the drawings discussed above and the corrected drawings filed herewith alleviate the issues that led to the

Examiner's objections to the drawings, and the Applicants respectfully request that the objection to the drawings be withdrawn.

III. Amendment to Claim 21

Claim 21 has been amended to correct a typographical error. The word "is" has been removed. This amendment has been made for clarification purposes only and does not change the scope of the claim.

IV. Rejection of Claim 32 Under 35 U.S.C. §112

The Examiner has rejected claim 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that it was not clear how the top layer of the lower chamber "is welded to produce a textured appearance."

Claim 32 has been amended to properly refer to the "first" layer rather than the "second" layer. Support for this amendment is located in the specification at least at paragraph [0039], wherein the welding process for creating the textured appearance is described. This amendment has been made for clarification purposes only and does not change the scope of the claim. No new matter has been added by this amendment. Applicants respectfully request that the Examiner withdraw the §112, second paragraph rejection of claim 32, as amended.

V. Rejection of Claims 1, 3, 17-21, 33 and 40-43 Under 35 U.S.C.

§102(b)

The Examiner has rejected claims 1, 3, 17-21, 33 and 40-43 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,423,094 to Arsenault et al. ("the '094 patent"). Applicants respectfully traverse.

According to the Examiner, the '094 patent discloses each and every element of claims 1, 3, 17-21, 33 and 40-43, including the limitations that "at least one of said top and bottom layers of said upper portion has a higher elasticity than at least one of said layers of said lower chamber" (claim 1); "said lower chamber at least partially defined by at least a second layer having a second elasticity lower than said first elasticity" (claim 17); or "at least some of said panels of said lower chamber having a second elasticity less than said first elasticity" (claim 33). These limitations are not present or suggested in the '094 patent. The Examiner points to Column 3, lines 3-9 and 52-59 as specific evidence that the '094 patent describes the aforementioned limitations. In fact, these portions of the '094 patent do not mention the types of material used to form the upper portion and lower chamber of the mattress of the '094 patent. Elasticities are not discussed at all, either in the cited portions, or anywhere else in the '094 patent.

At column 3, lines 52-56, there is a short discussion of how the bladder support encasement 12 provides more resistance when weight is applied to the frontal edge of the pneumatic cushion 6, but this is a direct result of how

the air is redistributed throughout the chambers of the upper and lower portions of the mattress of the '094 patent. As shown in Figure 3 of the '094 patent, when weight is applied to the pneumatic cushion 6, air flows from the front cushion air cavity 40 of the pneumatic cushion 6 into the bladder support encasement 12 through the valve 18, thus increasing the support in the bladder support encasement 12 as compared to the pneumatic cushion 6. Furthermore, air flows out of the front cushion air cavity 40 of the pneumatic cushion 6 into the interior chambers of the pneumatic cushion 6 through valves 8. This redistribution of air provides the increased support from the bladder support encasement 12. See *also* Col. 3, l. 24-Col. 4, l. 8.

Additionally, because of the specific design of the cavities and chambers of the bladders of the '094 patent, it would not be obvious to modify the materials that are used to construct the bladders. There is no suggestion to do so nor is there any motivation given to make such a change. As the '094 patent does not teach each and every element of claims 1, 17 and 33, Applicants respectfully request that the §102 rejection of claims 1, 17 and 33 be withdrawn.. Claims 2, 18-21 and 40-40 depend from claims 1, 17 and 33, and therefore include each an every element of claims 1, 17 and 33. Therefore, Applicants respectfully request that the §102 rejection of claims 3, 18-21, and 40-43 be withdrawn as well.

VI. Rejection of Claims 1-10 and 17-43 Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-10 and 17-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,598,593 to Wolfe ("the '593 patent") in view of U.S. Patent No. 6,618,884 to Wu ("the '884 patent"). Applicants respectfully traverse.

The Examiner admits that the '593 patent does not address either the elasticity of the upper portion or the lower chamber or fluid communication between the upper portion and the lower chamber. The Examiner relies on the '884 patent for openings between the upper portion and lower chamber and for a suggestion to form the upper portion from a material having a greater elasticity than the material used for the lower chamber. However, the '884 patent does not teach or suggest anything about the elasticities of the material used to construct the chambers.

The Examiner claims that the '884 patent suggests such a construction at column 3, lines 12-18. This section of the '884 patent only states that the upper mattress body sinks relative to the lower mattress body when weight is applied. This does not suggest anything about the material used to construct either the upper or the lower mattress body. In fact, in order to create the increased comfort of the upper mattress body, the '884 patent utilizes a different welding pattern for the top mattress body as compared to the lower mattress body. The upper mattress body is welded so as to form a plurality of

thin tubes relative to the wider tubes of the bottom layer. The increased density of the tubes in the There is not suggestion in the '884 patent to construct the upper and lower chambers from materials with varying levels of elasticity.

Moreover, even if the '884 patent contained a disclosure or suggestion regarding the elasticities of the chambers, there is absolutely no motivation to combine the '884 patent with the '593 patent to create a structure containing each and every limitation of the claims in the present application. The two-chambered mattress of the '593 patent specifically describes each chamber as having its own valve for inflating, deflating and adjusting the pressure of each chamber. In fact, the independent claims of the '593 patent also contain this requirement. If the '593 patent were provided with fluid communication between the chambers as in the '884 patent, at least one of the chambers would have to have the valves eliminated, as it would be unnecessary to have a valve on both chambers. This is a significant change to the mattress of the '593 patent, and there is no suggestion in either it or the '884 patent to make such a drastic change. As the combination of the '593 and the '884 patents does not contain each and every limitation of claims 1, 17 and 33, Applicants respectfully request that the §103(a) rejection of claims 1, 17 and 33 be withdrawn.

Furthermore, every other rejection under §103(a) put forth by the Examiner relies on the assumption that either the '094 patent or the '884


patent discloses or suggests that "at least one of said top and bottom layers of said upper portion has a higher elasticity than at least one of said layers of said lower chamber" (claim 1); "said lower chamber at least partially defined by at least a second layer having a second elasticity lower than said first elasticity" (claim 17); or "at least some of said panels of said lower chamber having a second elasticity less than said first elasticity" (claim 33). As previously discussed, neither the '094 or the '884 patent contains such teachings or suggestions, nor would it be obvious to modify either of them to include such limitations. As claims 2-16, 18-32, and 34-43 all depend from allowable claims 1, 17 or 33, they are allowable as well, and Applicants respectfully request that the §103(a) rejections of those claims be withdrawn as well.

VII. Conclusion

In conclusion, Applicants submit that they have overcome each of the rejections and objections. Applicants therefore request that the Examiner withdraw the rejections and objections, and grant allowance of the present application. If, for any reason, the Examiner believes that the amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 245-5394 to resolve any remaining issues.

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Respectfully submitted,



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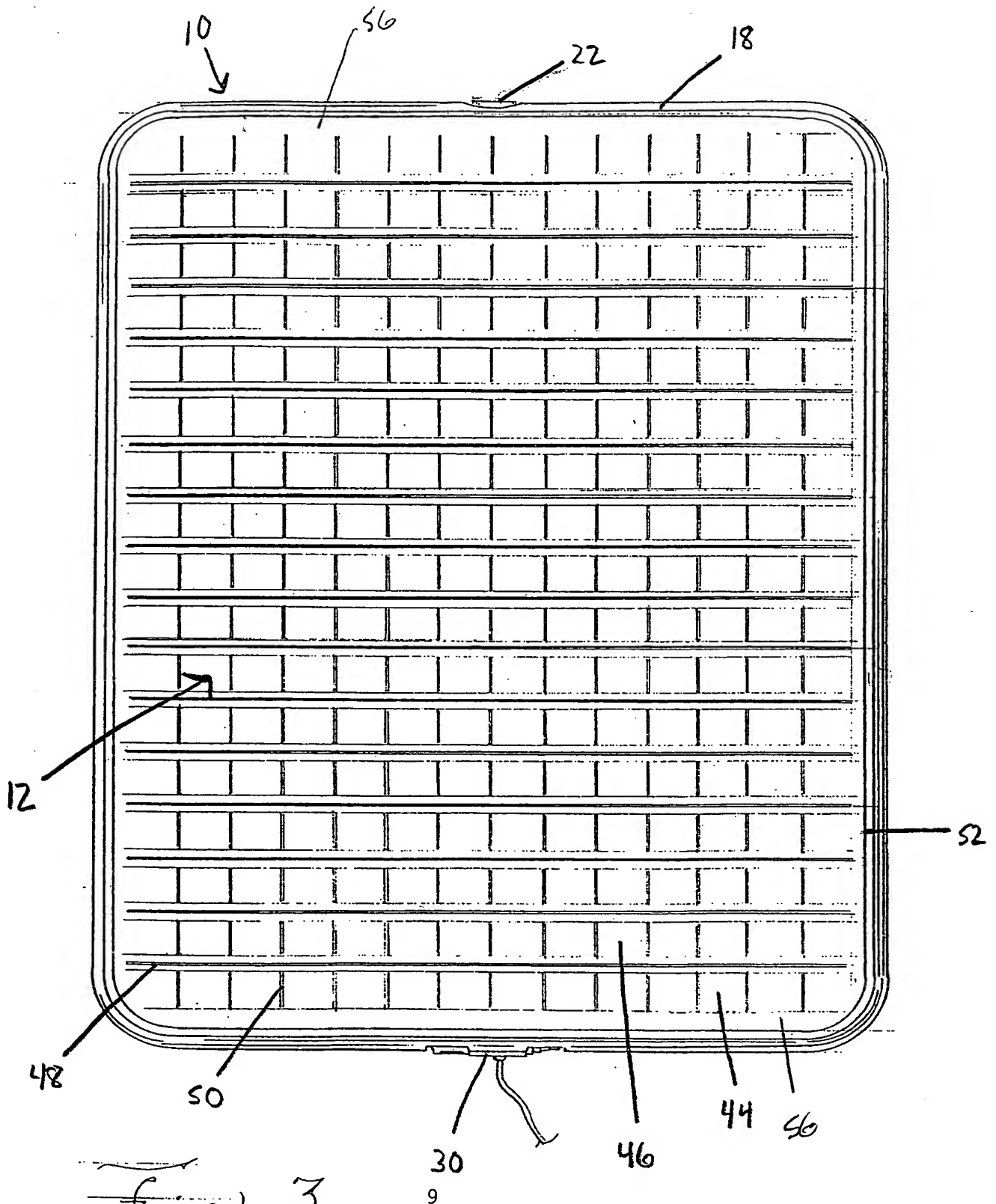


Fig. 3

ANNOTATED MARKED-UP DRAWINGS

Inventor: Karen Boso et al.

Title: INFLATABLE SUPPORT SYSTEM

Case No. 11492/288

Fig. 12

